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RESOLUTIONS ADOPTED BY THE GENERAL ASSEMBLY

[without reference to a Main Committee (A/47/L.32, A/47/L.29, A/47/L.27 and Add.1, A/47/L.31 and Add.1, A/47/L.44 and Corr.1 and Add.1, A/47/L.45 and Corr.1, 2 and 3 and Add.1, A/47/L.46 and Add.1)]

47/116. Policies of apartheid of the Government of South Africa

A

International efforts towards the total eradication of apartheid and support for the establishment of a united, non-racial and democratic South Africa

The General Assembly,

Recalling the Declaration on Apartheid and its Destructive Consequences in Southern Africa, 1/ adopted by consensus on 14 December 1989, which, inter alia, called for negotiations in a climate free of violence,

Reaffirming the Declaration and the need for the full implementation of its provisions,

Also recalling its decision 45/457 B of 13 September 1991 and its resolution 46/79 A of 13 December 1991,

Welcoming the initiative of the Organization of African Unity to place before the Security Council the question of violence in South Africa, and welcoming Security Council resolutions 765 (1992) of 16 July 1992 and 772

1/ Resolution S-16/1, annex.

(1992) of 17 August 1992 and especially the decision to deploy United Nations observers to further the purposes of the National Peace Accord signed on 14 September 1991, 2/

Welcoming also the deployment of observers from the Organization of African Unity, the Commonwealth and the European Community in South Africa in response to Security Council resolution 772 (1992),

Taking note of the report of the Secretary-General of 7 August 1992 3/ on the mission of his Special Representative to South Africa,

Also taking note of the report of the Special Committee against Apartheid, 4/ and the third progress report of the Secretary-General on the implementation of the Declaration, 5/ as well as the report of the Secretary-General on the coordinated approach by the United Nations system on questions relating to South Africa, 6/

Welcoming the safeguards agreement of 16 September 1991 between the International Atomic Energy Agency and the Government of South Africa and the report of the Director General of the International Atomic Energy Agency of 4 September 1992 on the completeness of the inventory of South Africa's nuclear installations and material, under the terms of the safeguards agreement, 7/

Reiterating its conviction that broad-based negotiations, initially undertaken by the Convention for a Democratic South Africa, resulting in a new non-racial and democratic constitution and its early entry into force will lead to the total elimination of apartheid through peaceful means,

Noting that while positive measures have been undertaken by the South African authorities, including the repeal of key apartheid laws and the revision of major security legislation, important obstacles to achieving a climate conducive to free political activity remain,

Recognizing the responsibility of the United Nations and the international community, as envisaged in the Declaration, to help the South African people in their legitimate struggle for the total elimination of apartheid through peaceful means,

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2/ See Centre against Apartheid, Notes and Documents, No. 23/91.

3/ S/24389.

4/ Official Records of the General Assembly, Forty-seventh Session, Supplement No. 22 (A/47/22).

5/ A/47/574.

6/ A/47/559.

7/ A/47/533, annex II.

Gravely concerned that continued and escalating violence threatens to undermine the process of peaceful change, through negotiations, to a united, non-racial and democratic South Africa,

Deeply concerned at revelations of illegal covert activities carried out by military intelligence with a view to undermining a major party to the political process of peaceful change in South Africa,

Noting with concern that, despite the signing of the National Peace Accord, the tragic bloodshed in South Africa has not ended,

Bearing in mind the need to strengthen and reinforce the mechanisms set up in South Africa under the National Peace Accord and emphasizing the need for all parties to cooperate in combating violence and to exercise restraint,

Encouraging the efforts of all parties, including ongoing talks among them, aimed at facilitating the resumption of substantive broad-based negotiations towards a new constitution and arrangements on the transition to a democratic order,

Taking note with satisfaction of recent agreements between parties aimed at removing many obstacles to resuming broad-based negotiations and also noting with satisfaction the release of prisoners held for their political beliefs or activities,

Noting with concern the remaining effects of the acts of destabilization that were committed by South Africa against the neighbouring African States,

1. Strongly urges the South African authorities to exercise fully and impartially the primary responsibility of government to bring to an end the ongoing violence, to protect the lives, security and property of all South Africans in all of South Africa, and to bring to justice those responsible for acts of violence;

2. Calls upon all parties to refrain from acts of violence and to cooperate in combating violence;

3. Strongly urges the South African authorities to assume the full responsibility to respect and protect the right of South Africans to demonstrate peacefully in public in order to convey their views effectively;

4. Urgently calls upon all signatories to the National Peace Accord 2/ to recommit themselves to the process of peaceful change by fully and effectively implementing its provisions and by cooperating with each other to that end;

5. Calls upon all other parties to contribute to the achievement of the aims of the National Peace Accord;

6. Takes note with approval of the recommendations contained in the report of the Secretary-General 3/ and calls upon the Government of South Africa and all parties in South Africa to implement urgently those recommendations;

7. Commends the Secretary-General for those measures taken to address areas of concern noted in his report and particularly to assist in strengthening the structures set up under the National Peace Accord, including the deployment of United Nations observers in South Africa, and urges the Secretary-General to continue to address all the areas of concern noted in his report which fall within the purview of the United Nations;

8. Welcomes the deployment in South Africa of the observers of the Organization of African Unity, the Commonwealth and the European Community;

9. Strongly urges the Government of South Africa, as well as the other parties and movements, to lend their full cooperation to the Commission of Inquiry regarding the Prevention of Public Violence and Intimidation (Goldstone Commission) and to permit the Commission urgently and fully to carry out investigations into the functioning and operations of security forces and armed formations, as recommended by the Secretary-General in his report;

10. Requests the Secretary-General to respond positively and appropriately, as envisaged in his report, to requests for assistance from the Goldstone Commission in the context of the National Peace Accord;

11. Urges the representatives of the people of South Africa to resume, without further delay, broad-based negotiations on transitional arrangements and basic principles for a process of reaching agreement on a new democratic and non-racial constitution and for its speedy entry into force;

12. Calls upon the international community to support the vulnerable and critical process still under way in South Africa through a phased application of appropriate measures with regard to the South African authorities, as warranted by ongoing developments, and, within the context of the need to respond appropriately to them, to review existing restrictive measures as warranted by positive developments, such as agreement by the parties on transitional arrangements and agreement on a new, non-racial and democratic constitution;

13. Calls upon all Governments to observe fully the mandatory arms embargo, requests the Security Council to continue to monitor effectively its strict implementation and urges States to adhere to the provisions of other Council resolutions on the import of arms from South Africa and the export of equipment and technology destined for military or police purposes in that country;

14. Appeals to the international community to increase humanitarian and legal assistance to the victims of apartheid, returning refugees and exiles and released political prisoners;

15. Calls upon the international community to assist disadvantaged South African democratic anti-apartheid organizations and individuals in the academic, scientific and cultural fields;

16. Also calls upon the international community to assist the non-racial sports bodies, which have been endorsed by representative anti-apartheid sports organizations in South Africa, in redressing the continuing structural inequalities in sports;

17. Appeals to the international community to help create stable conditions for the rapid and peaceful attainment of a new South Africa, based on an agreed, democratic and non-racial constitution, by providing and increasing its material, financial and other assistance to South Africans in their efforts to address the serious socio-economic problems of the disadvantaged people of South Africa, particularly in the areas of education, employment, health and housing;

18. Also appeals to the international community to render all possible assistance to States neighbouring South Africa to enable them to recover from the effects of destabilization and thereby to contribute to the stability and prosperity of the subregion;

19. Requests the Secretary-General, in consultation with the parties concerned, to undertake preliminary examination of the assistance that the United Nations might provide in the electoral process leading to a united, non-racial and democratic South Africa;

20. Also requests the Secretary-General to continue to ensure the coordination of activities of the United Nations and its agencies with regard to South Africa and, as appropriate, inside that country, and to report to the General Assembly at its forty-eighth session on measures taken to facilitate the peaceful elimination of apartheid and the transition of South Africa to a non-racial and democratic society as envisaged in the Declaration on Apartheid and its Destructive Consequences in Southern Africa.

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B

Programme of work of the Special Committee against Apartheid

The General Assembly,

Having considered the report of the Special Committee against Apartheid, 4/

Recognizing the important role that the Special Committee has had in mobilizing international support for the elimination of apartheid and in the adoption by consensus, on 14 December 1989, of the Declaration on Apartheid and its Destructive Consequences in Southern Africa, 1/

1. Takes note with appreciation of the report of the Special Committee against Apartheid on its work, under its mandate, in support of the peaceful eradication of apartheid and of the process of a negotiated transition of South Africa to a democratic non-racial society;

2. Commends the Special Committee for the holding at Windhoek, from 22 to 24 May 1992, of the Seminar on South Africa's Socio-Economic Problems: Future Role of the United Nations System in Helping to Address Them, 8/ and for its full support of the holding of the Follow-up Conference on

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8/ See Official Records of the General Assembly, Forty-seventh Session, Supplement No. 22 (A/47/22), paras. 160-163; and A/AC.115/L.685.

International Educational Assistance to Disadvantaged South Africans, held in New York on 8 and 9 September 1992, under the auspices of the United Nations Educational and Training Programme for Southern Africa and its Advisory Committee; 9/

3. Authorizes the Special Committee, in accordance with its mandate, to mobilize international support for the elimination of apartheid through the early establishment in South Africa of a society based on an agreed democratic and non-racial constitution as envisaged in the Declaration on Apartheid and its Destructive Consequences in Southern Africa, and to this end:

(a) To continue to monitor the complex developments in South Africa, and to collect, analyse and disseminate factual information in this regard;

(b) To facilitate a peaceful and stable transition in South Africa by promoting international assistance to help South Africans overcome the negative social and economic consequences of the policies of apartheid by, inter alia, following up on the Windhoek Seminar through sectoral seminars on well-defined and specific topics with the participation of experts in the relevant fields and in cooperation with relevant bodies and agencies of the United Nations system, institutions and non-governmental organizations;

(c) To undertake liaison and consultations with Governments, intergovernmental and non-governmental organizations, foundations and institutions, as well as other relevant groups, both inside and outside South Africa;

4. Appeals to Governments and intergovernmental and non-governmental organizations to continue their cooperation with the Special Committee, and requests all relevant components of the United Nations system to continue to cooperate with the Special Committee and the Centre against Apartheid in their activities in support of the ongoing process of the peaceful elimination of apartheid in South Africa;

5. Decides that the special allocation of 450,000 United States dollars to the Special Committee for 1993 from the regular budget of the United Nations should be used towards the cost of special projects aimed at promoting the process towards the elimination of apartheid through the establishment of a new society in South Africa based on a democratic and non-racial constitution, with particular emphasis on issues of human rights and constitution-building, human resources development, institutional capacity-building, health, housing and other socio-economic priority areas;

6. Also decides to continue to authorize adequate financial provision in the regular budget of the United Nations to enable the African National Congress of South Africa and the Pan Africanist Congress of Azania to maintain offices in New York so that they may participate effectively in the deliberations of the Special Committee and in deliberations relating to the situation in South Africa in other relevant United Nations bodies.

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9/ See A/47/513, paras. 11-23.

C

United Nations Trust Fund for South Africa

The General Assembly,

Recalling its resolutions on the United Nations Trust Fund for South Africa, in particular resolution 46/79 F, adopted without a vote on 13 December 1991,

Having considered the report of the Secretary-General on the United Nations Trust Fund for South Africa, 10/ to which is annexed the report of the Committee of Trustees of the Trust Fund,

Recalling, in particular, paragraph 2 of its resolution 46/79 F, relating to the reintegration of released political prisoners into South African society,

Welcoming the announcement on 26 September 1992 of the Record of Understanding reached between the African National Congress of South Africa and the Government of South Africa, which contained agreement on the release of remaining political prisoners, 11/ and the voluntary repatriation of political exiles and refugees as a result of the agreement reached between the South African authorities and the United Nations High Commissioner for Refugees,

Noting with concern that continuing political violence and other developments in South Africa are having an adverse impact on the negotiating process and on the functioning of the framework provided by the National Peace Accord signed on 14 September 1991, 2/

Recognizing the work being carried out by broad-based, impartial voluntary organizations inside South Africa in providing legal and humanitarian assistance to the victims of apartheid and racial discrimination and noting with satisfaction the working relationship that the Trust Fund has established with those South African organizations,

Strongly convinced that continued, direct and substantial contributions to the Trust Fund and to the voluntary agencies concerned are necessary to enable them to meet the extensive needs for humanitarian, legal and relief assistance during the critical transition to a non-racial and democratic South Africa,

1. Endorses the report of the Secretary-General on the United Nations Trust Fund for South Africa; 10/

2. Supports continued and substantial humanitarian, legal and educational assistance by the international community in order to alleviate the plight of those persecuted under discriminatory legislation in South Africa, and to facilitate the reintegration of released political prisoners and returning exiles into South African society;

10/ A/47/525.

11/ A/47/494-S/24606, annex.

3. Supports assistance by the Trust Fund for work in the legal field aimed at ensuring effective implementation of legislation repealing major apartheid laws, redressing the continuing adverse effects of those laws and encouraging increased public confidence in the rule of law;

4. Endorses the decision of the Trust Fund to channel its assistance through appropriate non-governmental organizations inside South Africa;

5. Expresses its appreciation to the Governments, organizations and individuals that have contributed to the Trust Fund and to the voluntary agencies engaged in rendering humanitarian and legal assistance to the victims of apartheid in South Africa;

6. Appeals for generous contributions to the Trust Fund;

7. Also appeals for direct contributions to the voluntary agencies engaged in rendering assistance to the victims of apartheid and racial discrimination in South Africa;

8. Commends the Secretary-General and the Committee of Trustees of the Trust Fund for their persistent efforts to promote humanitarian and legal assistance to the victims of apartheid and racial discrimination.

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D

Oil embargo against South Africa

The General Assembly,

Having considered the report of the Intergovernmental Group to Monitor the Supply and Shipping of Oil and Petroleum Products to South Africa, 12/

Recalling its resolutions on the oil embargo against South Africa, in particular resolution 46/79 E of 13 December 1991,

Recognizing the importance of the oil embargo as a major contribution to the pressure exerted on South Africa towards the eradication of apartheid through negotiations, as well as the importance of maintaining pressure until there is clear evidence of profound and irreversible changes, bearing in mind the objectives of the Declaration on Apartheid and its Destructive Consequences in Southern Africa, 1/ such as the adoption of a non-racial and democratic constitution for a free South Africa,

Noting that the most effective way to enforce the oil embargo against South Africa remains the adoption by the Security Council of a mandatory embargo,

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12/ Official Records of the General Assembly, Forty-seventh Session, Supplement No. 43 (A/47/43).

Taking note with appreciation of the draft model law for the effective enforcement of the oil embargo against South Africa, contained in the report of the Intergovernmental Group to the General Assembly at its forty-fifth session, 13/ and welcoming its consideration by Member States,

Concerned that the oil embargo against South Africa is still being violated and that South Africa, because of loopholes in the embargo such as lack of effective legislation, has been able to acquire oil and petroleum products,

Convinced that an effective oil embargo against South Africa would contribute to the efforts of the international community to bring about a negotiated settlement and the establishment of a united, non-racial and democratic South Africa,

1. Takes note of the report of the Intergovernmental Group to Monitor the Supply and Shipping of Oil and Petroleum Products to South Africa 12/ and endorses its recommendations;

2. Requests all States to adopt, if they have not already done so, and otherwise to maintain and enforce effective measures prohibiting the supply and shipping of oil and petroleum products to South Africa, whether directly or indirectly, and in particular:

(a) To apply strictly the "end users" clause and other conditions concerning restriction on destination to ensure compliance with the embargo;

(b) To compel the companies originally selling or purchasing oil or petroleum products, as appropriate to each country, to desist from selling, reselling or otherwise transferring oil and petroleum products to South Africa, whether directly or indirectly;

(c) To establish strict control over the supply of oil and petroleum products to South Africa by intermediaries, oil companies and traders by placing responsibilities for the fulfilment of the contract on the first buyer or seller of oil and petroleum products who would, therefore, be liable for the actions of these parties;

(d) To prevent South African companies from acquiring holdings in oil companies outside South Africa;

(e) To prohibit all assistance to South Africa in the oil sector, including finance, technology, equipment or personnel;

(f) To prohibit the transport of oil and petroleum products to South Africa by ships flying their flags, or by ships that are ultimately owned, managed or chartered by their nationals or by companies within their jurisdiction;

(g) To develop a system for registration of ships, registered in their territory or owned by their nationals, that have violated the oil embargo, and to discourage such ships from calling at South African ports;

13/ Ibid., Forty-fifth Session, Supplement No. 43 (A/45/43), annex I.

(h) To impose penal action against companies and individuals that have been involved in violating the oil embargo, and to publicize cases of successful prosecutions in conformity with their national laws;

(i) To gather, exchange and disseminate information regarding violations of the oil embargo, including ways and means to prevent such violations, and to take concerted measures against violators;

(j) To discourage ships within their jurisdiction from engaging in activities that give rise to violation of the oil embargo against South Africa, taking into account legislative and other measures already adopted;

3. Authorizes the Intergovernmental Group to take action to promote public awareness of the oil embargo against South Africa, including, when necessary, sending missions and participating in relevant conferences and meetings;

4. Requests the Intergovernmental Group to submit to the General Assembly at its forty-eighth session a report on the implementation of the present resolution;

5. Requests all States to extend their cooperation to the Intergovernmental Group with all necessary assistance for the implementation of the present resolution.

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E

Military and other collaboration with South Africa

The General Assembly,

Recalling the Declaration on Apartheid and its Destructive Consequences in Southern Africa, 1/ its resolutions 45/176 B and C of 19 December 1990 and 46/79 B and C of 13 December 1991, as well as the resolutions of the Security Council on the arms embargo and military collaboration with South Africa,

Taking note of the report of the Special Committee against Apartheid 4/ and the report of the Security Council Committee established by Council resolution 421 (1977) of 9 December 1977 concerning the question of South Africa on its activities during the period 1980-1989, 14/

Noting with appreciation the resolve and effectiveness of the Security Council in its handling of questions relating to the preservation of international peace and security,

Noting that the monitoring and enforcement mechanism of the mandatory sanctions imposed by the Security Council on South Africa in its resolution 418 (1977) of 4 November 1977 would benefit from further strengthening,

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14/ S/21015.

Reiterating that the full implementation of the mandatory arms embargo against South Africa is an essential element of international action towards the eradication of apartheid,

Convinced that sanctions and other restrictive measures have had a significant impact on recent developments in South Africa and that the phased application of appropriate pressure remains an effective and necessary instrument in the process towards the peaceful end to apartheid,

Taking note of the report of the Director General of the International Atomic Energy Agency of 4 September 1992 on the completeness of the inventory of South Africa's nuclear installations and material, under the terms of the safeguards agreement, 7/

Expressing serious concern about the continued violations of the mandatory arms embargo, particularly by those countries which surreptitiously trade in arms with South Africa,

Expressing concern that South Africa's external military relations, especially in the area of military technology and, in particular, in the production and testing of missiles, continue unabated, as mentioned in the report of the Special Committee against Apartheid,

Gravely concerned about the practice carried out by certain oil-producing States whereby oil is exchanged for South African arms,

1. Deplores the actions of those States which, directly or indirectly, continue to violate the mandatory arms embargo and collaborate with South Africa in the military, nuclear, intelligence and technology fields, and calls upon those States to terminate forthwith any illegal acts and honour their obligations under Security Council resolution 418 (1977);

2. Urges all States to adopt strict legislation relating to the implementation of the arms embargo and to prohibit the supply to South Africa of nuclear and military products, as well as computer and communications equipment, technological skills and services, including military intelligence, destined for use by the military, police and security agencies of that country, until free and fair elections have been held and a democratic government has been established;

3. Urges the Security Council to consider immediate steps to ensure the full implementation and the effective monitoring of the arms embargo imposed by the Council in its resolutions 418 (1977) and 558 (1984) of 13 December 1984, to implement the recommendations of the Committee established under Council resolution 421 (1977) concerning appropriate measures in response to violations of the mandatory arms embargo and to provide information on a regular basis to the Secretary-General for general distribution to Member States;

4. Calls upon all States to maintain existing financial measures and, in particular, urges Governments and private financial institutions, as well as the International Monetary Fund and the World Bank, not to extend new loans and credits to South Africa, whether to the public or private sector,

until agreement has been reached on a non-racial democratic constitution or until specific recommendations are made on this matter by the transitional authorities to be established by the Convention for a Democratic South Africa;

5. Requests the Special Committee against Apartheid to keep the issue of military and nuclear collaboration with South Africa under constant review and to report thereon to the General Assembly and the Security Council as appropriate.

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F

Relations between South Africa and Israel

The General Assembly,

Recalling its resolutions concerning the relations between South Africa and Israel and, in particular, its resolution 46/79 D of 13 December 1991,

Having considered the report of the Special Committee against Apartheid on recent developments concerning relations between South Africa and Israel, 15/ and the report of the Secretary-General on South Africa's nuclear-tipped ballistic missile capability, 16/

Noting with concern that the military relations between South Africa and Israel, especially in the area of military technology and in particular the collaboration in the production and testing of nuclear missiles, continue unabated,

1. Strongly deplores the collaboration of Israel with the South African regime in the military and nuclear fields;

2. Reiterates its demand that Israel desist from and terminate forthwith all forms of collaboration with South Africa, particularly in the military and nuclear fields;

3. Urges the Security Council to consider taking appropriate measures against Israel for its violation of the mandatory arms embargo against South Africa;

4. Requests the Special Committee against Apartheid to continue to monitor the relations between South Africa and Israel and keep them under constant review and report to the General Assembly and the Security Council as appropriate.

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15/ Official Records of the General Assembly, Forty-seventh Session, Supplement No. 22 (A/47/22), part two.

16/ A/46/357 and Add.1.

G

Support for the work of the Commission against Apartheid in Sports

The General Assembly,

Recalling its resolutions on the boycott of apartheid in sports and, in particular, 32/105 M of 14 December 1977, by which it adopted the International Declaration against Apartheid in Sports, 40/64 G of 10 December 1985, the annex to which contains the International Convention against Apartheid in Sports, and 45/176 G of 19 December 1990,

Having considered the report of the Commission against Apartheid in Sports 17/ and the relevant sections of the report of the Special Committee against Apartheid, 4/

1. Takes note of the report of the Commission against Apartheid in Sports and endorses its recommendations; 18/

2. Urges Governments and the international sporting community to assist the non-racial sports movement in South Africa to redress the structural inequalities in sports that are among the legacies of apartheid.

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17/ Official Records of the General Assembly, Forty-seventh Session, Supplement No. 45 (A/47/45).

18/ Ibid., paras. 38-43.